



Reprinted
April 2, 2003

ENGROSSED HOUSE BILL No. 1470

DIGEST OF HB 1470 (Updated April 1, 2003 4:42 PM - DI 87)

Citations Affected: IC 8-22.

Synopsis: Airport authority teleconferences. Permits a member of the airport authority board to participate in meetings and to vote from a location other than the meeting site if: (1) a quorum is physically present at the meeting site; and (2) a means of communication is used that allows the member, all other board members, and the public attending the meeting to simultaneously communicate. Requires the board to establish procedures before a member may participate in a meeting from a location other than the meeting site.

Effective: July 1, 2003.

Whetstone, Welch

(SENATE SPONSORS — RIEGSECKER, LUTZ L)

January 15, 2003, read first time and referred to Committee on Technology, Research and Development.

January 23, 2003, reported — Do Pass.

January 27, 2003, read second time, ordered engrossed. Engrossed.

January 28, 2003, read third time, passed. Yeas 86, nays 0.

SENATE ACTION

February 11, 2003, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.

March 27, 2003, amended, reported favorably — Do Pass.

April 1, 2003, read second time, amended, ordered engrossed.

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EH 1470—LS 6944/DI 108+



Reprinted
April 2, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1470

A BILL FOR AN ACT to amend the Indiana Code concerning
utilities and transportation.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-22-2-4, AS AMENDED BY P.L.137-2000,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2003]: Sec. 4. The board shall choose, annually, at its first
4 regular meeting in January, one (1) of its members president, and
5 another of its members vice president to perform the duties of the
6 president during the absence or disability of the president. The eligible
7 entity shall provide a suitable office for the board in the entity, or, at
8 the option of the board, at the airport, at the expense of the department
9 of aviation, where its maps, plans, documents, records, and accounts
10 shall be kept, subject to public inspection at all reasonable times.
11 Before February 2 each year the board shall make a report to the
12 executive of its proceedings with a full statement of its receipts and
13 disbursements for the preceding year, including a report of the
14 acquisition of air navigation facilities and of other property that has
15 come under the control of the board, improvements made, general
16 character of the work of the board, and progress of aviation and air
17 commerce under its control. Money received by the board shall be paid

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1 into the entity's treasury and credited to the department of aviation, and
 2 all expenditures relating to the property and business under the control
 3 of the department, except as otherwise provided, may be provided for
 4 by special levy of taxes under section 7 of this chapter, and shall be
 5 paid from the entity's treasury when ordered by the board. A majority
 6 of the members **physically present** constitutes a ~~quorum~~, **quorum for**
 7 **a meeting, and** An action of the board must be taken by a majority of
 8 the members **participating in person and by a means of a**
 9 **communication under section 4.5 of this chapter** at a regular or duly
 10 called special meeting. In case of a tie vote on any question, the
 11 executive shall decide. The board shall fix a time for holding regular
 12 meetings. Regular or special meetings shall be held at the office of the
 13 board or at another public place in any county where the board owns or
 14 operates an airport. Special meetings of the board may be called at any
 15 time by its president, or by any two (2) of its members, upon a written
 16 request to the secretary. Whenever in the opinion of the president or of
 17 any two (2) members, a special meeting is necessary, he or they shall
 18 cause the secretary to notify the members by mailing written notice of
 19 the time of the meeting, at least one (1) day before the meeting. A
 20 member may waive notice in writing and the presence of a member at
 21 a special meeting is considered a waiver of notice.

22 SECTION 2. IC 8-22-2-4.5 IS ADDED TO THE INDIANA CODE
 23 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 24 1, 2003]: **Sec. 4.5. (a) This section applies to a meeting of the board**
 25 **at which a quorum of members is physically present at the place**
 26 **where the meeting is conducted.**

27 **(b) A member of the board may participate in a meeting of the**
 28 **board by using a means of communication that allows:**

- 29 **(1) all other members participating in the meeting; and**
- 30 **(2) all members of the public physically present at the place**
 31 **where the meeting is conducted;**

32 **to simultaneously communicate with each other during the**
 33 **meeting.**

34 **(c) A member who participates in a meeting under subsection**
 35 **(b):**

- 36 **(1) is considered to be present at the meeting; and**
- 37 **(2) may not be counted for purposes of establishing a quorum.**

38 **(d) The memoranda of the meeting prepared under**
 39 **IC 5-14-1.5-4 must also state the name of:**

- 40 **(1) each member who was physically present at the place**
 41 **where the meeting was conducted;**
- 42 **(2) each member who participated in the meeting by using a**



means of communication described in subsection (b); and
 (3) each member who was absent.

(e) Before a member may participate in a meeting from a location other than the meeting site, the board must establish procedures for a member to participate in a meeting by a means of communication as set forth in this section.

SECTION 3. IC 8-22-3-9, AS AMENDED BY P.L.137-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 9. (a) The board shall elect, at its first regular meeting to be conducted on the first July 1 or January 1 after appointment of the board members, and annually thereafter, one (1) of its members president, and another of its members vice president, who performs the duties of the president during the absence of or disability of the president. The board shall keep a suitable office at the airport where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at all reasonable times.

(b) The board shall provide by rule for regular meetings to be held not less than at monthly intervals throughout the year.

(c) The board shall convene in a special meeting when one is called. The president or a majority of the members of the board may call a special meeting. The board shall establish by rule a procedure for calling special meetings.

(d) Regular or special meetings shall be held at the office of the board or at another public place in any county where the board owns or operates an airport. The board may adjourn any regular or special meeting to a specific day designated at the time of adjournment, and that meeting is a continuation of the meeting so adjourned. This subsection does not apply to an authority that was established under IC 19-6-3 (before its repeal on April 1, 1980).

(e) A majority of the members of the board **who are physically present** constitutes a quorum for a meeting. The board may act officially by an affirmative vote of a majority of those ~~present~~ **participating in the meeting in person and by a means of a communication under section 9.5 of this chapter** at which the action is taken.

(f) The board shall keep a written record of its proceedings, which shall be available for public inspection in the office of the board. The board shall record the aye and nay tally of the vote for each ordinance or resolution.

(g) The board shall adopt a system of rules of procedure under which its meetings are to be held. The board may suspend the rules of procedure by unanimous vote of the members of the board who are

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present at the meeting. The board may not suspend the rules of procedure beyond the duration of the meeting at which the suspension of rules occurs.

(h) The board may supervise its internal affairs as do local legislative and administrative bodies.

SECTION 4. IC 8-22-3-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 9.5. (a) This section applies to a meeting of the board at which a quorum of members is physically present at the place where the meeting is conducted.**

(b) A member of the board may participate in a meeting of the board by using a means of communication that allows:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b):

(1) is considered to be present at the meeting; and

(2) may not be counted for purposes of establishing a quorum.

(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in subsection (b); and

(3) each member who was absent.

(e) Before a member may participate in a meeting from a location other than the meeting site, the board must establish procedures for a member to participate in a meeting by a means of communication as set forth in this section.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Technology, Research and Development, to which was referred House Bill 1470, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

HASLER, Chair

Committee Vote: yeas 13, nays 0.

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EH 1470—LS 6944/DI 108+



COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1470, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 1, after "IC 8-22-2-4" insert ", AS AMENDED BY P.L.137-2000, SECTION 1,".

Page 2, line 5, after "members" insert "**physically present**".

Page 2, line 5, delete "A".

Page 2, delete lines 6 through 7.

Page 2, run in lines 5 and 8.

Page 2, line 9, delete "telephonic means" and insert "**a means of a communication under section 4.5 of this chapter**".

Page 2, between lines 21 and 22, begin a new paragraph and insert: "SECTION 2. IC 8-22-2-4.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 4.5. (a) This section applies to a meeting of the board at which a quorum of members is physically present at the place where the meeting is conducted.**

(b) A member of the board may participate in a meeting of the board by using a means of communication that allows:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b):

(1) is considered to be present at the meeting; and

(2) may not be counted for purposes of establishing a quorum.

(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in subsection (b); and

(3) each member who was absent."

Page 2, line 22, after "IC 8-22-3-9" insert ", AS AMENDED BY P.L.137-2000, SECTION 2,".

Page 3, line 2, after "board" insert "**who are physically present**".

Page 3, line 3, delete "A member not present in person may

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participate in a".

Page 3, delete line 4.

Page 3, line 5, delete "board is present in person.".

Page 3, run in lines 3 and 5.

Page 3, line 7, delete "telephonic means" and insert "**a means of a communication under section 9.5 of this chapter**".

Page 3, after line 20, begin a new paragraph and insert:

"SECTION 4. IC 8-22-3-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW SECTION TO READ AS FOLLOWS** [EFFECTIVE JULY 1, 2003]: **Sec. 9.5. (a) This section applies to a meeting of the board at which a quorum of members is physically present at the place where the meeting is conducted.**

(b) A member of the board may participate in a meeting of the board by using a means of communication that allows:

(1) all other members participating in the meeting; and

(2) all members of the public physically present at the place where the meeting is conducted;

to simultaneously communicate with each other during the meeting.

(c) A member who participates in a meeting under subsection (b):

(1) is considered to be present at the meeting; and

(2) may not be counted for purposes of establishing a quorum.

(d) The memoranda of the meeting prepared under IC 5-14-1.5-4 must also state the name of:

(1) each member who was physically present at the place where the meeting was conducted;

(2) each member who participated in the meeting by using a means of communication described in subsection (b); and

(3) each member who was absent."

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1470 as printed January 24, 2003.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 7, Nays 1.



SENATE MOTION

Mr. President: I move that Engrossed House Bill 1470 be amended to read as follows:

Page 3, between lines 2 and 3, begin a new paragraph and insert:

"(e) Before a member may participate in a meeting from a location other than the meeting site, the board must establish procedures for a member to participate in a meeting by a means of communication as set forth in this section."

Page 4, after line 24, begin a new paragraph and insert:

"(e) Before a member may participate in a meeting from a location other than the meeting site, the board must establish procedures for a member to participate in a meeting by a means of communication as set forth in this section."

(Reference is to EHB 1470 as printed March 28, 2003.)

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